IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HANSEN SUGGS,)
Plaintiff,) Civil Action No. 07 - 170J
·) Judge Kim R. Gibson
v.)
DEPARTMENT OF CORRECTIONS; GERALD L. ROZUM, Superintendent; ALLEN G. JOSEPH, Program Review Committee; DANIEL J. GEHLMANN, Program Review Committee; SYLVIA GIBSON, Program Review Committee; ELEANOR WEAVER, Hearing Examiner; SGT.)))))
BAKOS,	,)
Defendants))

MEMORANDUM ORDER

This case was initiated by the filing of a Complaint on July 9, 2007 (doc. no. 1) and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

Magistrate Judge Lenihan filed a Report and Recommendation on August 18, 2008 (doc. no.31) recommending that Defendants' Motion to Dismiss, or in the alternative, Motion for Summary Judgment (doc. no. 21) be granted. Plaintiff was served with the Report and Recommendation and advised that he was allowed until September 4, 2008 to file written objections to the Report and Recommendation. No Objections have been filed.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 15 day of September, 2008;

IT IS HEREBY ORDERED that Defendants' Motion to Dismiss, or in the alternative, Motion for Summary Judgment (doc. no. 21) is GRANTED.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no.31) of Magistrate Judge Lenihan dated August 18, 2008, is **ADOPTED** as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case CLOSED.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:

Kim R. Gibson

United States District Judge

cc: Lisa Pupo Lenihan

United States Magistrate Judge

Hansen Suggs GT-1097 SCI Somerset

1600 Walters Mill Road Somerset, PA 15510